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FISCAL IMPACT REPORT

SPONSOR Lundstrom **DATE TYPED** 02/2/04 **HB** HJM 12/aHJC

SHORT TITLE Enforcement of Indian Arts & Crafts Act **SB** _____

ANALYST Bransford

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
		NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Office of Indian Affairs (OIA)

Administrative Office of the District Attorneys (AODA)

Attorney General's Office (AGO)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment strikes all references to the New Mexico district attorneys.

Synopsis of Original Bill

House Joint Memorial 12 requests the New Mexico district attorneys and the federal department of justice to enforce the provisions of the federal Indian Arts and Crafts Act of 1990.

Significant Issues

The sale of illegal imitation Indian arts and crafts has a negative impact on legitimate Indian artisans and craftspeople in two ways. Most obvious is the economic loss, but it also compromises the reputation of the artist if lower quality imitations are represented as originals and, in addition to being defrauded, buyers often pay too much.

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State law also provides for the prosecution of false representation and sale of Indian arts and crafts under Sections 30-33-3 NMSA 1978, titled the Indian Arts and Crafts Sales Act, but the penalties under the federal act are much more severe.

The attorney general's office mostly prosecute these cases under state law because the Federal Bureau of Investigations typically refers cases to the US Attorneys Office and on occasion may refer cases to local jurisdictions.

ADMINISTRATIVE IMPLICATIONS

The attorney general's office willingly takes cases referred by both local and federal law enforcement agencies; however lack the resources necessary to initiate investigations at this time.

VB/prr:njw